

## BEFORE THE PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA

Docket No.: 2019-326-E

South Carolina Energy Freedom Act (House Bill 3659) Proceeding to Address S.C. Code Ann. Section 58-27-460(A)(1) and S.C. Code Ann. Section 58-27-460(A)(2) (Promulgation and Periodic Review of Standards for Interconnection and Parallel Operation of Generating Facilities to an Electrical Utility's Distribution and Transmission System)	<p style="text-align: center;"><b>PETITION TO INTERVENE ON BEHALF OF ALDER ENERGY SYSTEMS, LLC</b></p> <p style="text-align: center;"><i>(Out of Time)</i></p>
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Alder Energy Systems, LLC (“Alder Energy”), pursuant to S.C. CODE ANN. REGS. 103-825, petitions the Public Service Commission of South Carolina (“Commission” or “PSCSC,” as appropriate) for an order permitting it to intervene in the instant docket, out of time, and states the following.

### INTRODUCTION

1. Alder Energy is a Charleston, South Carolina-based solar developer and EPC contractor that focuses on, among other things, offering distributed energy resources, including solar and storage, to commercial and industrial electrical customers located in South Carolina. Alder Energy has, consequently, a deep interest in matters germane to the instant docket, including the interconnection of parallel generation facilities. Alder Energy’s proposed intervention is, thus, to serve the public interest of commercial and industrial access to solar and storage solutions. It is not for the purpose of, nor will it cause, delay or prejudice. On these grounds and others, Alder Energy respectfully requests the Commission enter an order permitting it to intervene.

## BACKGROUND

### Posture

2. This proceeding was opened pursuant to S.C. CODE ANN. §§ 58-27-460(A)(1) and (A)(2). *See Order No. 2019-728*, Docket No. ND-2019-11-E, 2019 WL 5208193 (Oct. 9, 2019). The law requires the Commission to, among other things, “consider[] revisions to the standards promulgated pursuant to this section[,]” including “the South Carolina generator interconnection procedures and all commission-approved agreements regarding interconnection practices and reporting requirements.” *See* S.C. CODE ANN. § 58-27-460(D).

3. The Commission originally set an intervention deadline of February 14, 2020 (Notice of Filing, Dec. 5, 2019, Id 288893), with testimony due from the parties on dates occurring during October and November 2020, and a hearing during December 2020 (Notice, July 23, 2020, Id 292953).

4. The Commission later ordered that its procedural schedule be held in abeyance, upon a joint request (Request, September 15, 2020, Id 294049) from the Duke Energy companies (collectively, the “Duke Companies”), Dominion Energy South Carolina, Inc. (“DESC”), and other intervenors (collectively with the Duke Companies and DESC, the “Parties”) to proceed under a two-phase approach. *Order No. 2020-660*, Docket No. 2019-326-E, 2020 WL 5909756 (Oct. 1, 2020). Phase one was designated to address queue reform and phase two to address other revisions to the South Carolina Generator Interconnection Procedures (“SCGIP”). *Id.*

5. The Parties have or are near completing the first phase. The Commission approved SCGIP modifications relative to the Duke Companies' proposal to move to a cluster study process, *Order No. 2021-439*, No. 2019-326-E, 2021 WL 2550858 (June 18, 2021), and the Federal Energy Regulatory Commission ("FERC") approved the utilities' application for similar relief within their Joint Open Access Transmission Tariff, 176 FERC ¶ 61,075 (2021). The Commission, further, recently issued a directive approving SCGIP modifications relative to DESC's proposal to move to a similar cluster study. (Directive, February 24, 2022, Id 305590.)

6. The Parties, in the interim, have been engaged in stakeholder meetings relative to phase two (*i.e.*, SCGIP revisions unrelated to cluster studies). The most recent joint progress report of the Parties discusses these efforts. (Report, March 29, 2022, Id 306419.)

*Proposed Intervenor: Alder Energy Systems, LLC*

7. Alder Energy has developed, designed and installed solar photovoltaic systems from its Charleston, South Carolina headquarters for over a decade. The company has completed over five hundred distribution-scale solar projects in the southeastern United States and mid-Atlantic, ranging in capacity size from 2kW to 8MW. The company does not lease solar systems.

8. Alder Energy is a member of the South Carolina Solar Council, Solar Energy Industries Association, and the Coalition for Community Solar Access, and was a member of the former South Carolina Solar Business Alliance. The company maintained an active delegate in these organizations since 2011, 2016, 2018, and 2012, respectively. It also participated in stakeholder meetings leading to the passage of Act 236 (2015) and

Act 62 (2019). The Commission previously allowed Alder Energy to intervene and provide relevant and valuable testimony on matters germane to distributed solar generation in the following dockets: 2019-169-E, 2019-170-E, 2019-182-E, and 2020-229-E.

9. Importantly, Alder Energy has been an active participant in the phase-two stakeholder meetings. Alder Energy and/or its counsel, among other things:

- attended and presented at the July 22, 2021 stakeholder meeting;
- served a first round of proposed SCGIP redlined-edits on August 13, 2021;
- attended and presented at the October 5, 2021 stakeholder meeting;
- served a second round of proposed SCGIP redlined-edits on October 29, 2021; and
- attended the March 23, 2022 stakeholder meeting.

10. Alder Energy's suggested revisions to SCGIP, naturally, focus on easing the burdens of interconnecting parallel generation facilities for commercial and industrial customers, while ensuring the safe, efficient, and reliable delivery of power. It is expected, based on the exchange of redlined-edits, that the Duke Companies and DESC may apply for this Commission's approval of certain SCGIP revisions proposed by Alder Energy. Alder Energy wishes to intervene in this proceeding to offer testimony, comment, and other input on these proposed SCGIP revisions, among other things.

11. Alder Energy supports, and has no intention of attempting to oppose, the cluster study process already approved.

12. Alder informed Duke and DESC about its intention to intervene. Neither utility indicated opposition as of the filing date of this petition.

13. Alder Energy informed counsel for Lockhart Power Co., Inc. of its intent to intervene. Lockhart Power Co., Inc. does not oppose Alder Energy's intervention.

### **ARGUMENT**

#### **I. Alder energy established clear factual support and ground for intervention under S.C. CODE ANN. REGS. 103-803.**

14. "A Petition to Intervene in a proceeding before the Commission shall set forth clearly and concisely:

(a) The facts from which the nature of the petitioner's alleged right or interest can be determined;

(b) The grounds of the proposed intervention;

(c) The position of the petitioner in the proceeding."

S.C. CODE ANN. REGS. 103-803.

15. For and among the reasons stated above, Alder Energy maintains a deep interest in the interconnection of generation facilities operating in parallel with South Carolina electrical utilities' systems. The grounds for intervention are to protect this interest. Alder Energy's position is to advocate for and request the Commission approve: (i) its proposed revisions to SCGIP and (ii) other policies that "reduc[e] regulatory and administrative burdens to customer installation and utilization of onsite distributed energy resources . . . ." See S.C. CODE ANN. §§ 58-40-20.

#### **II. The Commission should allow Alder Energy's intervention in this proceeding, further, because it is in the public interest; will not delay the proceeding; and will not prejudice another party.**

16. The Commission has a long standing history of permitting intervention out of time in electric dockets. See, e.g., *Order No. 2022-2-E*, Docket No. 2022-2-E, 2022 WL 304987 (Jan. 27, 2022) [South Carolina Energy Users Committee]; *Order No. 2020-726*,

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Docket No. 2019-182-E, 2020 WL 6392748 (Oct. 28, 2020) [Alder Energy]; *Order No. 2019-88*, Docket No. 2019-2-E, 2019 WL 451995 (Jan. 30, 2019) [South Carolina Coastal Conservation League (“CCL”) and Southern Alliance for Clean Energy]; *Order No. 2018-608*, Docket No. 2017-370-E, 2018 WL 4348465 (Sept. 5, 2018) [Transcontinental Gas Pipe Line Company, LLC], *Order No. 2014-643*, Docket No. 2014-3-E (July 23, 2014) [CCL and the Southern Alliance for Clean Energy], *Order No. 2013-755*, Docket 2005-385-E (Oct. 16, 2013) [Wal-Mart Stores East, LP and Sam’s East, Inc.]; *Order No. 2013-507*, Docket 2005-385-E (July 2, 2013) (granting reconsideration of denial of intervention for CCL). The Commission permitted BrightNight, LLC to intervene out of time in this docket. (Directive, March 24, 2022, Id 306223.)

17. The confluence of these decisions instructs that the Commission’s discretion in granting intervention considers: (1) the public interest, (2) potential delay and (3) prejudice, among other factors. *See id.* These factors are balanced against the Commission’s policy “encouraging maximum public participation in issues before the Commission . . . [,]” even in circumstances where the petition is raised out of time. *Order No. 2005-725*, Docket No. 2005-270-G, 2005 WL 7150035 (Dec. 16, 2005).

18. Public interest. South Carolina’s commercial and industrial electric customers enjoy a right to access solar energy, where not otherwise inconsistent with the law. *See, generally*, S.C. CODE ANN. §§ 58-41-05 and 58-41-40 (Act 62 intended to “support access to solar energy . . . for all South Carolinians” and directing the Commission to consider “direct investments by customers for their own energy needs and renewable goals.”); *see also, generally*, S.C. CODE ANN. §§ 58-40-20 (“It is the intent of the General

Assembly to: . . . reduc[e] regulatory and administrative burdens to customer installation and utilization of onsite distributed energy resources . . .”).

19. Alder Energy’s participation in this proceeding is in the public interest because it ensures the state’s commercial and industrial customers can effectively implement their right to access distributed solar resources through just and meaningful interconnection procedures.

20. *Potential delay.* Alder Energy’s participation is not intended to and not expected to delay the proceeding, but merely to support this important public interest. A hearing date has *not* been reset in the instant proceeding.

21. *Potential prejudice.* Alder Energy’s participation in this proceeding will not prejudice the existing parties for at least two reasons. No discovery has taken place and Alder Energy supports, and has no intention of attempting to oppose, the cluster study process already approved. The utilities do not, at this time, oppose Alder Energy’s intervention.

### COMPLIANCE

22. Pursuant to S.C. CODE ANN. REGS. § 103-804(T), Alder Energy is represented by the following counsel in the instant proceeding:

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Alder Energy conferred upon its counsel authority to accept service of all papers and filings for purposes of the instant proceeding.

### CONCLUSION

23. On these grounds, Alder Energy requests the Commission permit it to intervene. The Commission will not otherwise enjoy minimum, much less “maximum,” public participation on the important issue of interconnecting parallel generation facilities in South Carolina.

WHEREFORE Alder Energy requests the Commission permit it to intervene in the instant proceeding for all purposes available to parties in electrical dockets.

### CERTIFICATION

I hereby certify this petition complies with the form requirements of S.C. CODE ANN. REGS. 103-820 and that on April 8, 2022 a true and correct copy of this petition was served on all parties of record, in accordance with and S.C. CODE ANN. REGS. 103-830. The service list attached hereto.

Respectfully submitted,

April 8, 2022

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